



City of Carmel

CARMEL PLAN COMMISSION SUBDIVISION COMMITTEE AGENDA **Minutes**

TUESDAY, OCTOBER 4, 2005

**LOCATION: CAUCUS ROOMS
CARMEL CITY HALL
ONE CIVIC SQUARE
CARMEL, IN 46032**

**TIME: 6:00 P.M.
DOORS OPEN AT 5:30 P.M.**

Those present:

Representing the Committee:

Dan Dutcher
Dianna Knoll
Rick Ripma
Susan Westermeier

Representing the Department:

Angie Conn

Of Counsel:

John Molitor

Rick Ripma called the meeting to order at 6:03p.m.

The Subdivision Committee will meet to consider the following items:

- Docket No. 05080016 PP, 05080017 SW, and 05080018 SW: Windsor Grove 2**
The applicant seeks to plat 30 lots on 30.056 acres with the following subdivision waivers:
Docket No. 05080017 SW: 6.03.19 – Access to Arterials, Parkways, and Collectors
To seek relief from houses fronting collector streets/200 foot required separation from collector streets.
Docket No. 05080018 SW: 6.03.21 – Points of Access
To seek relief from providing 2 points of access into the subdivision.
The site is located at 3105 106th St. West and is zoned S1.
Filed by Brian Robinson of Stoeppelwerth and Assoc. for Steve Wilson Inc.

Representing the Petitioner: Steven A. Wilson with Steven A. Wilson, Inc., and Brian K. Robinson with Stoepelwerth & Associates.

Representing the Public: Gary D. Weiss of 10555 Greentree Drive, Jeff Scripture with Harrison & Moberly, Kevin Duffin of 10493 Titan Run, Al Wachter of 2455 Londonberry Blvd., Karen Saturday of 2437 Londonberry Blvd., and Maya and Tarik Glenn of 10481 Titan Run.

Steve Wilson stated that he was a long-time resident of Carmel, Indiana and has been a builder and developer in the area for a long time. He said this is one of his newest projects. He commented that it is named Windsor Grove II. He said the project is adjacent to Windsor Grove, which has thirty-six lots. He said that other projects that his company has developed in the area are Kingsmill, Windemere, which is a ninety-six-lot subdivision, and Camden Walk is another area his company is presently doing a development on. Mr. Wilson said that he is proposing is thirty lots on thirty acres. He said that he is proposing to hook in to the stub street that exists currently in Windsor Grove. He pointed out the existing pond that the previous homeowner, Mr. Rice had built. He said that he received some letters from existing homeowners and he distributed them to the Committee members. He said that the letters were favorable for this project as planned. He said that in Windsor Grove there is an existing brick wall with landscaping and that he plans to continue that in Windsor Grove II. He stated that one of the comments from staff pertained to not having another entrance in Windsor Grove II. He said that he felt that it is to be a secluded and private subdivision, like other developments that his company has done. He gave the example of Windemere, which has ninety-six lots with only one entrance. He noted that there were other subdivisions along 106th Street that have only one entrance, such as Coppergate, Laurel Wood, and Winterwood. He stated that 106th Street is a busy road and he said that currently there are six roads that exit onto 106th Street within 3800 feet. He said that he felt that, with the existing pond, it would be tough for him to line the second exit out onto 106th Street up with Kingsmill across the street, thus the drive would have to be offset quite a bit to get something in there. He stated that the Staff, in their comments, brought up the possibility of an emergency exit type road that goes out to 106th Street. He said that he felt that they had met with the Carmel Fire Department and had gained approval from them on the proposed layout. He also said that he felt the additional exit was an unnecessary expense. He said that he wasn't sure why the Staff would want the extra exit. He said that another comment that he received from Staff pertained to landscaping and the adjacent homeowners. Mr. Wilson stated that he planned to preserve the existing tree line on the perimeter of the subdivision. He said the final comment was that one of the existing homeowners was concerned about his well situation. He stated that most of the wells are at least fifty to sixty-five feet deep and that the new pond that they were proposing was only going to be eight to ten feet deep. He said it wasn't really going to get down to bother the neighboring homeowner's water situation. He also noted that the property owner's well and property was approximately six hundred and fifty feet away from the petitioner's proposed lake. Mr. Wilson stated that the wall he was planning to put up mirrors what is already there and is approximately seven feet tall. He noted that the columns that are going to be put in with the wall are going to be 2 feet, 6 inches by 2 feet, 6 inches, will be about a foot and a half higher than the wall, and

will have cast stone tops. He referred to a picture of the proposed wall included in the committee members' packets.

Rick Ripma called for General Public Comments-Favorable.

There were none.

Rick Ripma called for General Public Comments-Unfavorable.

Jeff Scripture with Harrison Moberly, LLP of 11611 North Meridian Street, Suite 150 in Carmel, stated that he represents a number of homeowners in Windsor Grove. He said that he distributed a letter at the full Plan Commission meeting that included a listing of the people that he represents. He handed out a new letter to the Committee members dated September 20, 2005. He said that the letter went through the various concerns that his clients had. He asked for his clients to identify themselves by raising their hands. He said that the concern is obviously that they consider it an unsafe scenario to deviate from what the ordinance requires, which is to have two access points. He said that the ordinance says it and what the developer is requesting to have changed is that the ordinance requires two access points for any new subdivision. He referred to the layout and noted that the petitioner is proposing only one. Mr. Scripture stated that the suggestion is, and he believes the Staff's comments indicate that they believe that another entrance onto 106th Street would qualify and make that two-exit point scenario comply with the statute. He commented that the developer has suggested that he doesn't want to do that because he believes the lots would be more valuable because they would be more exclusive home sites. He stated that he and his clients don't feel that this is proper justification for deviating from the standards of the ordinance as it is set out. He said that the ordinance was designed to make sure that the development was safe for people. He commented that the requested change here adversely affects the existing homeowners as they are trying to get out of the subdivision. He said that he thinks that this is a scenario that is unlike the situation where there would have been two sections of the subdivision jointly planned. He said that section two was not contemplated at the time and he commented that the current homeowners did not know that there was a contemplation of section two at the time when section one was developed. He stated that when section one was developed, it was approved with one access point provided with a stub street out to the potential development, which is how they were able to comply with the two access point requirement that time. Mr. Scripture stated that what the petitioner is proposing now is to add more traffic and more home sites onto just one site with one access point coming out of there. He said that he and his clients believe that it is a safety concern because of the fact that Titan Run, which he noted is the stub street there, is a windy section and it is not designed for a thoroughfare as is suggested by the developer. He stated that the other point is that the Titan Run access point out to the current access point and entrance design has a stop sign there. He said that it is his concern from a safety perspective, that it would present a potential danger having another thirty lots worth of cars and traffic going in and out of there so close to that entrance point. He stated that the Highway Department had reviewed the development and he said that the letter in the project file suggested that another access point be provided along 106th street directly across from the subdivision to the North. Mr. Scripture presented a petition to the Committee members. He stated that the property owners had signed

that they were opposed. He said there were more signatures from homeowners in Windsor Grove. He said, to summarize, that the ordinance is designed to make sure that the development is safe for everybody. He stated that the ordinance requires two access points into the subdivision. He said that the developer is asking for modification of that and that he and his clients don't believe it is justified and that the safety concerns mitigate towards not changing it and requiring at least one other access off of 106th Street. He said that it is going to cause a lot of problems traffic-wise and a lot of safety concerns for his clients. He said a number of his clients have small children and they are concerned about their safety. He said that he would be happy to answer any questions, but in essence he and his clients are opposed to the variance regarding the access point.

Gary Weiss of 10555 Greentree Drive stated that his concerns are with the landscaping along the sides. He said that several of the properties have pretty significant brush and trees and that several of the properties do not. He said that his property is pretty wide open and that a few trees have been planted along an easement. He said that he was just concerned. He said that he was glad to know that the petitioner was planning to leave the existing tree line. He said that his question was whether there was going to be any other landscaping put in along there. He said that he thought he saw a landscaping plan up along the wall. He stated that when Mr. Rice built his lake, he also constructed mound all the way down. He said that he also questions what is going to happen to the mound. He said that he had lived on that property for fifteen years and that he used to watch the deer come out and that the proposed development used to be a hayfield. He said that he purchased the property for the privacy and he said that they were not going to have that anymore because development has slowly crept in around him. He said that he knew that would happen at some point, but with this type of development and the value of the homes being \$900,000 to \$1,000,000. He commented that the people moving in were probably not going to want to see him about as much as he wasn't going to want to see them. So, he said that he would like to see something put up in that area. He said that he is still concerned about the water table just because every time there's been some sort of earth moving in the area, he said that he's had well problems. He said that when they put in the sewer system down Greentree drive it affected his well and he said that they had to spend some money on well work. He said there was no access to City water then. He stated that there is access now, but that it would cost him about \$5,000 for his share of that plus hook in. He said that he doesn't have the means to do that if there were to be well problems after all the earth moving that will no doubt occur. He said that these were the things that he was concerned about.

Kevin Duffin of 10493 Titan Run stated that he bought the property two years ago from Mr. Wilson and that it was a finely built home. He said that they bought the property because of the exclusivity and because of the neighborhood. He said that he has three kids all under the age of five. He said that his neighbors have three kids under the age of five. He said that Windsor Grove is a neighborhood of families. He said that their kids go out and play together and ride bikes around the cul-de-sac. He said they have a lifestyle that they like. He said that it's private, it's exclusive, and he said it is what he expected when he moved into that neighborhood. He commented that, as he looks at the plat and see that Mr. Wilson wants to build a subdivision next door, he doesn't object to the subdivision going in next door because he realizes that progress happens. He said that what he objects to is that the access point to that subdivision has to come through his subdivision. He said that the farmer who Mr. Wilson purchased the ground from has

his driveway coming off of 106th street, thus there is already an access point to the property off of 106th Street. He said when there is only one access point that people will drive pretty fast because they are going to want to get to their home as quickly as they can. He said that he sees it at a safety issue with his kids, a privacy issue, and a property value issue. He said that he bought his house at the end of a cul-de-sac and he said that now, all of a sudden, the cul-de-sac isn't the end of a cul-de-sac, but rather it's going to be a thoroughfare to thirty more houses. So, he said that he has a real difficulty with these issues when he sees an existing access point from 106th Street that he thinks would work just fine for the subdivision that Mr. Wilson wants to put in. He said that he asks the Council and Mr. Wilson to reconsider about the access into the new subdivision. He thinks it would actually increase the property values in his neighborhood and the one that he wants to build by not having this winding around thoroughfare situation. Mr. Duffin commented that he had heard in two different meetings now where he compares to Windemere and Kingsmill where there is one access point. He stated that he drove those neighborhoods yesterday and that, while there is one access point, it drives in and then diverges out in several directions and people can go in around the circles and there are also roads that cut across, so people can go in several different directions. He said that his subdivision isn't set up like that. He said his subdivision comes in and there is one lane that winds all the way around to get into this part of it. He said that his subdivision has a much different setup than either Kingsmill or Windemere. He said that he hopes that there is some consideration for Windsor Grove's privacy, property values and their kid's safety.

Rick Ripma called for additional public comments. There were none.

Rick Ripma called for the petitioner's rebuttal.

Steve Wilson stated that when he put in Windsor Grove with the street, he said they did curve it for traffic control. He said that people are not going to drive down it at sixty miles per hour because it curves too much to get out to the main entrance. He said that Carmel required them to have a stub street into the property there for the future development. He said that people who had originally signed the petition actually went along with the one access coming into the area after they spoke with him directly. He said that he feels the property value would be greater with the one entrance versus the two entrances. He noted that staff had said that they would go along with the one entrance if he put in an emergency exit type area to access that cul-de-sac. He said that would be something that he would consider if he could keep this layout without having to do the additional entrance.

Rick Ripma called for the staff comments.

Angie Conn said that she spoke with Matt Griffin earlier today and she wanted to reaffirm what the petitioner spoke about that staff would support an emergency access, such as the green pavers, where it looks like grass but you can drive on it. She stated that the main concern was to have pedestrian access from 106th Street. She stated that another issue brought up was about landscaping along the West and Southern boundaries. She said that the Department would like to see more details on what would be planted there and how the green space areas would be used. She said the department also requires some sort of rendering of the subdivision as it would

be seen from 106th Street showing the hierarchy of the landscaping, the wall, and then looking at the façade. She said the Department recommends that the Committee forward this back to the full Plan Commission after all comments and concerns are fully addressed.

Rick Ripma called for Committee comments.

Dan Dutcher wanted to clarify with Staff if there was missing information. He asked if we had asked the petitioner to provide information that he had not provided.

Angie Conn responded that it was her understanding that the rendering view of the subdivision from 106th Street had not been received.

Steve Wilson responded that a color version was included with the Committee packets.

Dan Dutcher asked what the status of the landscape approval was.

Steve Wilson responded that it was something that they were working through with Hittle Landscaping. He said Hittle Landscaping is working with the Carmel Urban Forester regarding that.

Dan Dutcher clarified that the landscaping issue had not been resolved yet. He said that he doesn't like seeing matters brought before the Committee members with hanging issues. He said that he heard at the last Council meeting that the basis upon which a waiver should be approved is when it presents a hardship to the petitioner. He said he was going to ask the Department to present their position regarding the second access point again. He said that, as he reads the Department report, the Department's preference is to not grant the waiver and to require the second access point; he said there is a backup position if the Committee is so inclined. He said that he wanted to confirm his reading of the Department report.

Angie Conn responded that was correct.

Dan Dutcher commented that what he felt the Committee members should ask themselves is whether it was a hardship to not require the second access point or is it really a matter of inconvenience. He said that if the standard truly is that the second access point should be required unless it presents a clear hardship, it doesn't seem to present a hardship to him. He said it seems to be more of an inconvenience. He said the second point is related to accommodation for landscaping. He said that he is not sure, based on one of the neighbor's comments, that the petitioner is there yet. He said that he's heard that there is a landscape plan, but he said that he's also heard that there's a request for some additional landscaping, berming, or some sort of accommodation for the neighbors. He said that it doesn't sound like that's been addressed yet. He said that he doesn't know if the petitioner has had a chance to discuss that with the neighbors in question yet, but he commented that he thought if it had not been done yet, it should be done. He said the third point for him is regarding the issue of whether or not the second access point is appropriate or not and whether or not that enhances the property value and exclusivity of the neighborhood. He said that he is not a big one for exclusivity but he said that he really does

respect the opinion that the neighbors have presented. He said that it is their neighborhood and that it really seems to him that if they feel that their property value would be better preserved and their quality of life enhanced by the second access point, he said that that is an opinion that he would have to respect. He said that, from his standpoint, he is not favorably inclined to grant that second access point waiver.

Dianna Knoll asked if the amenities and/or trails were addressed in the presentation.

Steve Wilson said that there is no amendment here. He said that it is all open area.

Dianna Knoll asked if there is anything in Windsor Grove I that has trails or...

Steve Wilson responded no. He said that the reason he had that one in there was because he was trying to...He asked the Committee members to realize that the potential clients like to be secluded. He commented that they weren't going to want a lot of traffic going through their area. He said that that was the reason that they had laid it out that way.

Dianna Knoll responded that they might want to take a walk.

Steve Wilson said that was the reason they put the twelve-foot wide sidewalk up front.

Dianna Knoll said that she tended to agree with Dan Dutcher's comment regarding the reason for the waiver and the hardship issue. She said that she keeps going back to if this had been planned as one development and all sixty-six units had gone in at the same time, she asked the petitioner if he would have still planned it this way.

Steve Wilson responded that he would have platted it with one entrance into the area. He said that he feels that for the price range of the homes and the quality of the people moving in that they like that seclusion. He noted that the residents were even talking about possibly making the subdivision gated. He said that the residents of Windsor Grove I were talking about traffic that was going to be during construction, but he commented that after construction the traffic would primarily be just people leaving in the morning and people coming home in the evening.

Dianna Knoll commented that she didn't really hear any comments about construction traffic as much as just the ongoing traffic.

Steve Wilson said that he didn't really see that himself, but that was his opinion.

Dianna Knoll asked the petitioner if he intended to keep the mound that was on the West side.

Steve Wilson responded no. He said that it was going to be on the lots they were going to be building on and that the mound would be removed.

Susan Westermeier asked the petitioner what plans he did have for landscaping on the West side of the property.

Steve Wilson said he had not received the memo from the City of Carmel until noon today. He said that he had kind of thrown some stuff in that he didn't realize that he had to have for this meeting. He said that he tried to talk to his landscape guy and the Urban Forester. He said that they just didn't have any time to work on that. He said that if there is some open space, they would be doing some landscaping. He said that it was his understanding that if this project got approved then he would be working out the rest of the landscaping stuff out with Scott Brewer, Urban Forester. He said that there was no use in doing all of this and then having changes be made.

Susan Westermeier said that she would like to see some landscaping commitments up front. She commented that the petitioner was removing the mounding and she said that she understood that the neighbors to the West were concerned about what they were going to get.

Steve Wilson said that he was going to provide some landscaping in there.

Susan Westermeier said that she would like an idea of what that landscaping was going to be.

Dianna Knoll commented that she wanted to know if the petitioner had just received his packet that day.

Angie Conn stated that the comment about the landscaping was brought up at the last meeting.

Dianna Knoll wanted to know what the timeframe was on petitioners receiving their packets.

Angie Conn responded that it was usually about five days before the meeting.

Dianna Knoll commented that it wasn't really enough time for the petitioner to respond and be ready for the meeting if they aren't getting their comments until the day of the event.

Dan Dutcher said that it was true that Mr. Weiss was in attendance at the meeting and made the comments about the landscaping two weeks ago.

Steve Wilson said that he was waiting on the other comments, so he could address them all at the same time.

Rick Ripma stated that he agreed that he didn't see any reason not to have an extra entryway. He said that he had not heard anything that would indicate that the Committee should allow the project to go without the second entryway. He said that he thinks that the entryway should line up with Kingsmill. He said that he didn't think, based on what he had heard from the other Committee members, that the Committee was ready to move forward and okay the project without the second entryway.

Steve Wilson stated that he could not line the entry up with Kingsmill because of the existing lake.

Brian Robinson with Stoeppelwerth & Associates said that to line an entrance up with Kingsmill would go right through the existing lake and would not meet the Subdivision Control Ordinance.

Dianna Knoll asked the petitioner if he could eliminate a lot and line it up.

Brian Robinson responded that it would not be possible even if the lot were eliminated.

Steve Wilson said that the entryway would be offset to the West. He said that this would make it more dangerous for people going into and out of the subdivision. He said that he would have to go back and redesign the whole subdivision if it came to that.

Dan Dutcher said that he thought that was what the petitioner was hearing from him.

Rick Ripma agreed that he felt the same.

Susan Westermeier noted that she thought that was what the petitioner was hearing from all of the Committee members.

Rick Ripma said that, if the petitioner redesigned the subdivision and brought it back, that the Committee would like to see more in the way of the landscaping and what the petitioner is going to do, renderings from 116th street which is required of everyone requesting a waiver from the 200 foot required separation.

Dan Dutcher said that the landscape plans ought to be approved by Urban Forester, Scott Brewer. He said that he doesn't want to see plans that Scott Brewer hasn't signed off on.

Brian Robinson said that Staff comments say that the second entryway should line up with Kingsmill and he said that the entryway would not be able to line up with Kingsmill. He said that they would look at putting an entrance out to 106th Street if that was the recommendation, but that it was not going to line up with Kingsmill.

Rick Ripma asked if the Staff had a problem with that.

Angie Conn said that she thought that the whole alignment issue was mostly up to the County Highway department.

Brian Robinson said that the wetland study for the project was almost complete and that the final report should be ready by the end of the week. He said that the lake is a wetland that could not be disturbed at all. He said that the County Surveyor's office would regulate the standards if the petitioner were to discharge storm water into it, but that the petitioner could not go inside the water limits at all. He said that everything would be taken care of outside and they could not touch the wetland at all.

Rick Ripma asked if a well is affected by the construction of a community, if the developer is required to fix that. He said that he thought that was the law.

Angie Conn said that she thought that was a commitment that they made.

Rick Ripma said that he didn't think it was a commitment, but rather he thought it was a law.

John Molitor stated that it was a state statute that someone cannot affect the ground water table on their neighbor's property. He said it doesn't have as much to do with development as much as protecting the ground water table.

Brian Robinson asked as far as state statute goes, how it would be monitored.

John Molitor said that the petitioner would rely on the County Surveyor.

Brian Robinson clarified that the petitioner would contact the County Surveyor and that they would, then be doing the monitoring on the well and the septic.

John Molitor responded right.

Rick Ripma said that he didn't think that the Committee was going to take a vote on this tonight. He said that they would like to see the changes back at the Subdivision Committee in four weeks. He said that he left the public hearing open, so he noted for the public that they were welcome to attend and speak on November 1, 2005.

Docket No. 05080021 PP Amend: Kendall Wood

The applicant seeks to plat 15 lots on 12.045 acres with the following subdivision waivers:

Docket No. 05080022 SW: 6.03.19 – Access to Arterials, Parkways, and Collectors

To seek relief from houses fronting collector streets/200 foot required separation from collector streets.

The site is located at the NW Corner of W. 121st St. and Shelborne Rd and is zoned S1 (ROSO). Filed by Brian Robinson of Stoepelwerth and Assoc. for Steve Wilson Inc.

Representing the Petitioner: Steven A. Wilson with Steven A. Wilson, Inc. and Brian K. Robinson with Stoepelwerth & Associates.

Steve Wilson presented the Overview. He said that it is fifteen lots. He said that some of the Staff comments were specifically about lots one and fifteen. He said that Staff wanted the Petitioner to face the house toward Shelborne Road. He said that he didn't really understand the reasoning on that. He said that he is asking for a variance on the ROSO for the 200 feet area. He noted that he is working with Scott Brewer on the landscaping plan. He said that the packets that the Committee members received had copies of the plans that were given to Scott Brewer.

Brian Robinson noted that he received the comment email at 4:00p.m. that day.

Steve Wilson pointed out his planned tree areas of the landscaping plan. He said that he has been working with Clay West on the sewer. He noted that it would be coming down off of Long Branch. He said that Paul Shoopman has bought the Dr. Bylow property.

Rick Ripma noted that there were no public comments.

Rick Ripma called for Staff comments.

Angie Conn said that the Department Report basically says the comments as last time. She said that it points to the status of the landscape plan approval, having a rendering drawing into the site from Shelborne.

Rick Ripma called for comments from the Committee Members.

Dan Dutcher said that it seems very familiar because it is. He said that his initial thoughts are with the concern about the waiver before. He said that, as he recalled with the previous layout, the affected lots seemed to be much more prominently located towards Shelborne Road. He said that the primary concern with the waiver all along is to be sure that if the lots aren't going to front the road in question, that there be significant green space and buffering from the back of that house to the road. He said that it looks like to him, both on 121st Street and Shelborne Road, with the berming, that the petitioner has that now. He noted that there was now sixty-five feet between the side of lot 15. He pointed out that there is a significant amount of land plus the berming between the road and the lot.

Dianna Knoll said that lots 1 and 15, if they were to be turned, it would look dumb.

Susan Westermeier said that they would have to be redesigned.

Dan Dutcher said that in this case it just didn't seem to make any sense. He said that he thinks that it would be helpful to see what the additional landscaping would look like. He said that the additional landscaping would obviously have to be approved. He said that in general, his reaction is that the Committee has seen the plan before just that this version is a reduced size. He said that the reduction of the new design even further supports granting the waiver that is requested.

Rick Ripma said that in the past, when petitioners come in and request this waiver, the Committee has asked for a view of the block from the road. He noted that this is also what the Staff has requested.

Dianna Knoll asked if the material of the homes on the sides of lots 1 and 15 is brick.

Steve Wilson said that one thing that he did agree to before was that in the covenants he will write in that anyone putting up a fence will be required to put in all the same type of wood fencing. He said that he thought that would satisfy the comments of one of the neighbors.

Dianna Knoll asked if the landscape plan included the \$5000 per lot.

Steve Wilson stated no. He said that that was a different type of product that they were planning to build in there. He said that he didn't have the landscaping out on the road in that product. He said that product was gated.

Rick Ripma pointed out that lot 10 was also an issue. He said that the only lot that looked like it didn't have enough landscaping was possibly lot 15.

Discussion ensued about landscape plan details.

Susan Westermeier asked what the price range of the homes was going to be.

Steve Wilson responded that he wasn't sure. He said that he gave the Committee members samples of what they had done in their Camden Walk subdivision. He said that he had not set a price range in the area yet.

Rick Ripma asked what the square footage requirements were going to be.

Steve Wilson said that it was a take off of their Camden Walk project. He said that the covenants say that the homes will have a minimum square footage of 2800 square feet overall with at least 1500 on the ground floor.

Rick Ripma asked if the covenants had a requirement for brick or some sort of masonry.

Steve Wilson responded that yes there will be.

Rick Ripma said that he would like to see a drawing, so the Plan Commission could see what it is going to look like.

Dan Dutcher made formal motion to send Docket Numbers 05080021 PP Amend and 05080022 SW: 6.03.19 back to the full Plan Commission with a recommendation for approval with the following conditions:

- 1.) Approval by the Urban Forester of the landscape plan.
- 2.) Providing to the Committee to its satisfaction architectural renderings of the view from the street of lots 1, 15, and 10.
- 3.) Providing masonry wraps for lots 1, 15, and 10 that faces the road.

Dianna Knoll seconded the motion.

The vote was taken and the results were **4 in favor and 0 opposed with a favorable recommendation to the full Plan Commission with the conditions presented.**

2. Docket No. 05090002 OA: ROSO Repeal

The applicant seeks to Repeal the Subdivision Control Ordinance, *Chapter 7: Open Space Standards for Major Subdivisions (ROSO III)*, in order to repeal the ROSO subdivision standards.

Filed by the Carmel Department of Community Services.

Representing the Carmel Department of Community Services: Adrienne Keeling and Mike Hollibaugh.

Also in attendance was Mark Rattermann with the Carmel City Council and Carmel Plan Commission.

Adrienne Keeling said that in the Committee packets is a proposal to repeal chapter 7 of the Subdivision Control Ordinance. She said the included in the Department Reports was a 1995-2005 subdivision chart. She stated that this was a request that came down from the City Council over some uneasiness about some densities and some projects that have gone through, particularly, she said in the West Clay area. She said that they feel that densities might be creeping up a little higher than they might like. She said that referring to the Subdivision Chart provided in the packets, the highlighted subdivisions were the ones that have gone through using the ROSO standards. She pointed out that they range in the one point lows to just about two units per acre. She said that some of the higher density projects typically are townhomes and other items that require rezoning and PUDs. She said that they go up to 11s and 12s and 9 and 10 units per acre. She stated that they do not go through the ROSO Standards. She stated that they go through rezoning which are finally approved by the City Council. Adrienne state that Staff feels that repealing Chapter 7 in its entirety is a bit like throwing the baby out with the bathwater. She said it contains some very important things regarding open space, common area, and woodland requirements. She said that Staff feels that Chapter 7 should remain and that some of the density issues have been through rezoning and Council actions, more so than ROSO subdivisions. She noted that in March of 2005 the ROSO base densities in all the S-1 areas were ratcheted down to 1.0. She said that there will be a decrease in densities in the ROSO subdivisions. She said that, for the most part, the higher density projects, ie: The Village of West Clay, the townhomes projects require rezoning through the City Council process.

Dianna Knoll asked Adrienne Keeling if she thought the chart proved her point.

Adrienne keeling responded yes and said that Mark Rattermann alluded to it a bit at the regular meeting. She said that he had a lot of the same questions earlier in the year and that was what precipitated the base density reduction earlier in the year. She said that after Mark Rattermann looked at the chart and realized that some of the projects were Council approved items and not Subdivision plats.

Dan Dutcher asked Adrienne Keeling to comment on the Department recommendation for 7.02.

Adrienne Keeling said that the Department recommendation for 7.02 was a suggestion if the Council and Commission really feel that densities are a problem through the subdivision process that it may be as simple as addressing the density formula and the density bonuses that go along with ROSO. She stated that it was just a suggestion. She noted that the densities had gone down a little bit with the 1.0 reduction earlier this year. She said that section 7.02 really gives developers an incentive to comply with the rest of the things in Chapter 7.

Dan Dutcher asked if it was too early to quantify the adjustment that has taken place as a result of the reduction.

Adrienne Keeling responded that she was not familiar enough with which plats went through after the 1.0 reduction.

Dan Dutcher said that it just strikes him that if it is part of the rationale that there would be some calculations to back it up.

Rick Ripma said that he is a little confused as to the whole thing. He said that if you take out the townhomes, he said that it doesn't appear to him that Carmel has a density issue. He noted that the Council keeps saying that density isn't an issue. He said that he was a little confused as to...

Susan Westermeier said that she would like to know where the Council is coming from on all this.

Rick Ripma said that was what he wanted to know.

Adrienne said that they have had quite a few controversial projects come before them. She said that with the Village of West Clay and some of the other big projects, the Council wants to address it at the Comprehensive Plan stage. She said that, according to the table, all of the big projects have been with their approval.

Mark Rattermann said that this was not initiated by him. He said in looking at the numbers, Stanford Park was a rezone and legislative action. Lockerbie Townhomes was a compromise because of the commercial. He said that all of these are exactly what we thought. He said the only exceptions would be Cass Estates, which is 1.75 and Heather Knoll, which is 1.99. He noted that they would not be able to do those today. He asked if the table had been sent to Rick Sharp. He said that he didn't see bad planning or dumb numbers here. He said that when the base density was lowered to 1.0 that eliminated the high stuff that was possible prior that isn't anymore. He said that no matter what the Committee did, the Council would have to change it. He said that the answer wasn't so much density as much as it was the vinyl siding and the roof pitches and the stuff that came out not as nice as they wanted it to. He said it was more a design and construction issue more than a density issue. He said that he thought that this was going to be exactly what the staff would show him.

John Molitor said that the Committee is in a bit of a quandary. He said that the Council has directed the Plan Commission to draft an ordinance and send it back to the Council with a recommendation. He said that he's not sensing that there is any sentiment on the part of the Plan Commission to repeal ROSO and do away with all the open space standards that have been in place for years. He said that there may be some reaction to densities. He suggested that the Committee, in an effort to keep the issue alive, that the Committee make a change to the S-1 base density from 1.0 to 0.9 and then send it up to the Council with a favorable or unfavorable recommendation to keep the issue alive. Legally, then, the Plan Commission is responsive to the Council's directive.

Dan Dutcher asked John Molitor if he was proposing to change the underlying the zonings on the whole area or just the multiplier.

John Molitor responded just the multiplier for S-1.

Dan Dutcher said that he thinks what Mark Rattermann suggested was to change the density rather than the multiplier.

John Molitor said that could be done also.

Dianna Knoll stated that she didn't want the multiplier to go under 1.0.

Rick Ripma stated that the whole intent of having incentive was to encourage developers to use the Open Space approach instead of just going with a cookie cutter subdivision that met the 1.0.

Dianna Knoll clarified with Staff that the Council had not seen the numbers.

Adrienne Keeling responded that the Council had not seen the numbers.

Dianna Knoll said it might all be moot when the Council sees the numbers.

Rick Ripma stated that John Molitor had advised that the Plan Commission has to do something.

John Molitor clarified that the Plan Commission is a subordinate body and that the Council has directed them to draft an ordinance. He said that the Plan Commission will have to get a report back to them.

Rick Ripma asked the Committee if they just wanted to change something real minor.

Discussion ensued about potential changes to the multipliers.

Mike Hollibaugh asked John Molitor if it was possible for the Plan Commission to come back with a report that says that based upon the proof that the Plan Commission feels that the densities are adequate.

John Molitor said that could be done, but that he felt that kind of sets up an all or nothing approach by the Council.

Dianna Knoll asked if the process was getting in the way of what the Plan Commission and Council need to get done.

Adrienne Keeling asked if the Committee could consider tabling at Committee for a month, getting the table and numbers to the Council and then respond.

Dianna Knoll said that she would hate to just arbitrarily pick a number to change.

John Molitor expressed concern that if the Plan Commission came back with an unfavorable recommendation on repealing the ordinance, that the Council may decide to just be contrary and repeal it anyway.

Discussion ensued related to changing a multiplier.

Susan Westermeier said that she would like to be able to work with the Council and tell them that the Plan Commission has researched this issue and have reached this conclusion.

Dan Dutcher said it would be good to give the Council a recommendation that says that the Plan Commission has reviewed this and that they don't see a problem with the numbers and we think that if you look at the numbers you will agree, but if you don't reach the same conclusion then the alternative recommendation is to, rather than throwing out all of Chapter 7 because we think there is value in it, make a minor adjustment to the multipliers.

Dianna Knoll asked if the Council was just upset with the density in the outer western area.

Adrienne Keeling said that she thinks it has to do with the fact that the Comprehensive Plan recommends lower densities out there and all these projects keep coming in with the higher densities.

Rick Ripma said that the issue is the vinyl and all that. He said that Carmel used to have a 25-foot and now it is a 200-foot required separation from collector streets. He said everyone is coming in and not wanting to live up to the 200 feet, but he said they are all coming in and giving landscaping and other things to block that view, so the new communities should not have that look.

Rick Ripma asked if the Committee could go as far as giving roof pitches.

Adrienne Keeling said that wasn't something that we currently regulate.

Dianna Knoll said if the issue is X, then let's respond to X, rather than changing the multiplier. She said if you're mad about vinyl, then let's talk about vinyl.

Dianna Knoll said that she doesn't want to be going around and looking for a problem that isn't there.

Mike Hollibaugh said he thought that the Council would rather the Committee and the Commission respond thoughtfully and if that meant tabling it for another month to get thoughts together on it, then he didn't think the Council would mind them taking their time.

Dianna Knoll said that the Council members should get a copy of the table and numbers.

Dan Dutcher made formal motion to table Docket Number 05090002 OA: ROSO Repeal to permit the Staff and Commission members time to share with the Council the research results and to get a

sense back from the Council as to the direction that the Council now recommend that the Plan Commission investigate based upon the results from the research.

Dianna Knoll said that she felt that it would be a respectable response and what is called for.

Susan Westermeier said that the Council needs to come back and give a better sense of what specifically in the ordinance they are concerned about, rather than just throwing the whole thing out.

Susan Westermeier seconded the motion.

He vote was taken and the results were **4 in favor and 0 opposed to table Docket Number 05090002 OA** to the November 1, 2005 meeting.

Rick Ripma made formal motion to adjourn the meeting.

Dan Dutcher seconded the motion.

The meeting was adjourned at 7:26p.m.

-END.-